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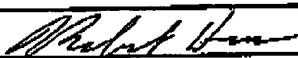
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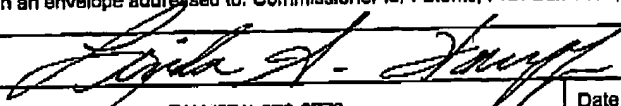
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/825,046	
	Filing Date	April 15, 2004	
	First Named Inventor	Richard J. MACKOOL	
	Art Unit	3783	
	Examiner Name	Melissa A. McCORKLE	
Total Number of Pages in This Submission	3	Attorney Docket Number	103471-51150-US

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<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE		
Signature			
Printed name	ROBERT J. HESS		
Date	APRIL 11, 2006	Reg. No.	32,139

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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Typed or printed name	LINDA S. HAUFF	FAX (571) 273-2773	APRIL 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Applicant Initiated Interview Request Form

Application No.: 10/825,046 First Named Applicant: Richard J. MACKOOL  
Examiner: Melissa A. McCorkle Art Unit: 3763 Status of Application: Final Rejection

## Tentative Participants:

(1) Robert J. Hess (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 4/18/2006 Proposed Time: 10:00 A (AM/PM)

## Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO  
If yes, provide brief description: SEE ATTACHED CONTINUATION SHEET.


## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	[ ]	[ ]	[ ]
(2) _____	_____	_____	[ ]	[ ]	[ ]
(3) _____	_____	_____	[ ]	[ ]	[ ]
(4) _____	_____	_____	[ ]	[ ]	[ ]
[ ] Continuation Sheet Attached					

Brief Description of Arguments to be Presented: SEE ATTACHED CONTINUATION SHEET.

An interview was conducted on the above-identified application on \_\_\_\_\_.  
**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

  
Applicant/Applicant's Representative Signature  
ROBERT J. HESS\_\_\_\_\_  
Examiner/SPB SignatureTyped/Printed Name of Applicant or Representative  
32,139

Ref: 103471-51150-US

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

USSN 10/825046

**Applicant Initiated Interview Request Form - (Continuation Sheet)**

**Issues to Be Discussed**

**Brief Description of Arguments to be Presented:**

Bailly pertains to dentist surgery, not eye surgery devices.

Bailly shows a cover 16 with one end connected to an adaptor 4, while the other end is free.

As best understood, the Examiner's position is that Bailly's cover 16 is connectable to nozzle 7 (although it accommodates insertion of conduit 4). Figs. 2a, 2b, 2c and 3 of Bailly, however, show the nozzle 7 spaced away out of contact from the cover 16 and therefore not disclosed to be connectable to it. There is no reason to so connect, even if it were feasible since either the cover 16 would not be integrally formed with the adaptor 4 or the upstream end of the conduit 4 would become exposed to environment contamination.

Pending independent Claims 1 and 9 recite a sterile, tubular sheath whose distal end is secured to a hollow extension tube and recites that the sheath is secured to the aspiration tube (at a location spaced from the distal end of the expiration tube).